

CALIFORNIA  
VICTIM COMPENSATION  
&  
GOVERNMENT CLAIMS  
BOARD

**VICTIM  
COMPENSATION  
PROGRAM**

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**SYNOPSIS OF BOARD ACTION TAKEN ON**

**January 10, 2003**

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- The Board directed that if insufficient funds are available for payment of all expenses and eligible claims, that payments be prioritized as follows:
  1. Payroll and operating expenses;
  2. Victim payments; and
  3. Provider payments.
- The Board adopted the following service limitations for mental health counseling:
  - For a child victim, 40 sessions;
  - For an adult victim, 30 sessions;
  - For a family member when the victim has been killed, 30 sessions; and
  - For a family member in all other cases 15 sessions
  - Extension of mental health treatment may be extended in cases requiring additional treatment or in dire or exceptional cases as set forth in the draft Emergency Regulations presented to the Board.

(The Board also adopted proposed emergency regulations to implement the session limitations – see *Emergency Regulations: Service Limitations for Mental Health Counseling*.)

- The Board adopted the Medicare Fee Schedule minus 20 percent for reimbursement of medical expenses.
- The Board adopted the following criteria for reimbursement of domestic violence relocation expenses:
  - The \$2,000 relocation benefit be limited to the move of a household and not to each eligible member of the household;
  - The victim must submit a copy of a formal lease agreement or a statement from the landlord, signed under penalty of perjury;
  - The Executive Officer is directed to develop a checklist for law enforcement and/or mental health providers to complete to substantiate the statutory basis for the relocation benefit; and
  - If the relocation is necessary for the victim's emotional well being the victim must be receiving supportive counseling services from a licensed mental health therapist or intern, or a domestic violence or sexual assault program

The Board directed the Executive Officer to consider and submit recommendations as to whether additional amounts should be available in exceptional situations requiring additional reimbursement such as relocation of large families or relocation in high cost areas.

The Board will pursue legislation to:

- Give the Board statutory authority to prospectively reduce all reimbursements by a percentage necessary to balance projected expenditures and revenues and require providers to accept that amount as payment in full.
- Limit the award to victims and family members to \$70,000 per victimization unless a victim is permanently disabled. If the victim is permanently disabled, an additional \$70,000 would be

available for all family members to share for support loss.

- Eliminate the annual special appropriation to the Department of Mental Health (Chapter 93, Statutes of 2000).
- Increase the minimum restitution fines for misdemeanor from \$100 to \$250 and for felonies from \$250 to \$500.
- Increase current reissue fee for reinstating a driver's license after the license has been suspended for DUI from \$55 to \$155 with \$100 deposited in Restitution Fund.
- Clarify that diversion restitution fees, parole restitution fines and newly proposed probation revocation fines may be collected after the defendant is no longer on probation or parole.
- Authorize CDC to collect unpaid restitution orders or fines imposed pursuant to WIC 730.6 and no longer enforceable because the person is no longer a juvenile or on probation.

The Board directed the Executive Officer to research and propose legislation to limit payment of attorney fees. That research should include a review of the Texas statute for payment of attorney fees.

The Board directed the Executive Officer to work with the Department of Justice and district attorneys to consider and propose recommendations for the annual special appropriation to the Department of Justice (Chapter 507, Statutes of 1997) to insure that the need of the Victim Compensation Program for a sufficient reserve for the payment of claims as well as the need for district attorneys to have for funds for witness protection are met.

The Board directed the Executive Officer to consider and submit recommendations regarding funeral costs and the appropriate level of reimbursement by the Victim Compensation Program for funeral and burial expenses.

The Board directed the Executive Officer to consider and submit recommendations for a proposal to require applicants to pay a co-payment for expenses reimbursed by the Victim Compensation Program.

The Board directed the Executive Officer to consider and submit recommendations for action necessary to insure that payment of restitution is made a condition of parole.

The Board directed the Executive Officer to review the sufficiency of the Board's revenue recovery efforts and the resources directed to those efforts.

The Board directed the Executive Officer to submit monthly reports regarding the revenue enhancements and cost containments actions adopted today in addition to the revenue and expenditure reports currently being provided to the Board.

The Board directed the Executive Officer to report to the Board regarding the status of the effectiveness of the actions taken today together recommendations for additional actions required in April 2003.

The Board directed the Executive Officer to consider and submit recommendations for utilization of a preferred provider model for mental health counseling.

The Board directed the Executive Officer to undertake an internal audit of the Victim Compensation Program with particular attention to whether the program is being utilized as the payor of last resort and whether the program is complying with statutes and regulations when determining eligibility for reimbursement.

The Board directed the Executive Officer to ask the Controller to perform an external audit also with particular attention to whether the program is being utilized as the payor of last resort and whether the program is complying with statutes and regulations when determining eligibility for reimbursement.